

**REMARKS***Claim Status*

Claims 1-10 were presented for examination. Claims 1-9 were rejected. Claim 10 was objected to as being dependent upon a rejected base claim, but has been indicated as would  
5 be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for pointing out the allowable subject matter.

Adopting the Examiner's suggestions, independent claim 1 is amended herein to incorporate  
10 the allowable subject matter. More specifically, dependent claim 10 has been rewritten in independent form as claim 1, including all of the limitations thereof. Claim 10 is accordingly cancelled. No claim is newly added. No new matter is introduced. By this Amendment, claims 1-9 are pending.

15 *Claim Rejections*

Independent claim 1 and dependent claims 2-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McGouey (U.S. Patent No. 4,308,592) and Van Zant "Microchip Fabrication." Dependent claims 5, 6, and 9 were rejected under the same provision as being unpatentable over McGouey and Van Zant in further view of Lin (U.S. Patent No.  
20 5,949,623). Dependent claim 7 was rejected under the same provision as being unpatentable over McGouey and Van Zant in further view of Campbell et al. (U.S. Patent No. 5,264,981). Dependent claim 8 was rejected under the same provision as being unpatentable over McGouey and Van Zant in further view of Mauri et al. (U.S. Patent No. 5,614,727).

Dependent claim 9 was again rejected under the same provision as being unpatentable over McGouey and Van Zant in further view of Stengl et al. (U.S. Patent No. 4,985,634). An additional reference, Heide et al. (U.S. Patent No. 4,840,178) was cited but not applied.

5 Applicants agree with the Examiner that no prior art teach or suggest a method for fabricating a magnetoresistive sensor that allows widths between about 5nm to about 200nm. As amended, independent claim 1 recites subject matter not reached by applicable prior art of record, effectively rendering the rejections presented in the Office action moot and non-applicable. Accordingly, independent claim 1 is submitted to be patentable.

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Reliance is placed on *In re Fine*, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) and *Ex parte Kochan*, 131 USPQ 204 (Bd. App. 1960) for the allowance of dependent claims 2-9, since they differ in scope from their parent independent claim 1, which is submitted to be patentable.

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### *Conclusion*


The Amendments presented herein encompass a bona fide attempt to expedite the prosecution and forward the application to allowance.

20 This Response/Amendment is submitted to be complete and proper in that it places the present application in a condition for allowance without adding new matters or raising new issues. Favorable consideration and a Notice of Allowance of all pending claims are therefore earnestly solicited.

The Examiner is sincerely invited to telephone the undersigned at 650-331-8413 for discussing an Examiner's Amendment or any suggested actions for accelerating prosecution and moving the present application to allowance.

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Respectfully submitted,



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